

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services proposes to amend Chapter 109, “Child Care Centers,” Iowa Administrative Code.

The proposed amendment clarifies when record checks are required for persons who volunteer or substitute for staff at a child care center. The amendment provides that criminal and child abuse record checks are required when the volunteer or substitute:

- Is included in meeting the required child-to-staff ratio,
- Has direct responsibility for a child or children, or
- Has access to a child or children with no other staff present.

The child care center is responsible for the cost of the record checks and must maintain documentation that the checks were completed when required.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before February 1, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 237A.5.

The following amendment is proposed.

Amend paragraph **109.6(5)“c”** as follows:

c. ~~Undergo the record check process when the person is responsible for child care for a child other than the person’s own child or has access to other children when they are alone.~~ any of the following criteria are met:

- (1) The volunteer or substitute is included in meeting the required child-to-staff ratio;
- (2) The volunteer or substitute has direct responsibility for a child or children; or
- (3) The volunteer or substitute has access to a child or children with no other staff present.

d. Have on file at the facility a record containing the statements required in paragraphs “a” and “b” and Records documentation of the any record check process. The record shall be maintained as required in subparagraph paragraph 109.9(1)“b.”